

REMARKS

Claims 1, 31, 52, 59, 80-84 and 87 have been amended. Claims 25, 41-43, 76, 85 and 86 have been cancelled. Therefore, claims 1-24, 26-40, 44-75, 77-84 and 87 remain pending. Reconsideration is respectfully requested in light of the following remarks.

At the top of p. 2 of the Office Action, the Examiner states: "All claims limitation, which are perhaps presented in a different terminology, phrasing or forms are considered analogous, hence all claims will be interpreted as having similar or equivalent limitations." Applicants are unsure exactly what the Examiner means by this statement. Applicants note that certain ones of the claims have differences in scope and meaning from other ones of the claims. Each claim should be interpreted according to its own particular wording.

Section 101 Rejection:

The Examiner rejected claims 80-87 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 80-84 and 87 have been amended to recite a "tangible, computer-readable medium". Claims 85 and 86 have been cancelled. Accordingly, withdrawal of the section 101 rejection is respectfully requested.

Section 103(a) Rejection:

The Examiner rejected claims 1-16, 20-28, 40-49, 51, 59-69, 73-82 and 84-87 under 35 U.S.C. § 103(a) as being unpatentable over Erickson et al. (U.S. Patent 6,412,009) (hereinafter "Erickson") and Cunningham et al. (U.S. Patent 6,754,621) (hereinafter "Cunningham"). Applicants respectfully traverse this rejection in light of the following remarks.

In regard to claim 1, the combination of Erickson and Cunningham does not teach or suggest establishing a transport protocol tunnel connection from a first node in a

messaging system to a second node in the messaging system, wherein the second node is a messaging server configured to receive messages from a plurality of clients and deliver the messages to specified ones of a plurality of recipients according to a standard messaging API, and generating a messaging system message on the first node according to the standard messaging API of the messaging sever. Erickson teaches a persistent HTTP tunnel to support a terminal session (e.g., Telnet) between a client and a host (Abstract; col. 5, lines 1-8). The object of Erickson is "to provide the client access to the host system as if the client was a local terminal directly connected to the host system." (col. 5, line 1 -- col. 6, line 43). Using a persistent HTTP tunnel to support Telnet between a client and a host has absolutely nothing to do with a messaging server configured to receive messages from a plurality of clients and deliver the messages to specified ones of a plurality of recipients according to a standard messaging API. Furthermore, the client in Erickson does not generate a messaging system message on the first node according to the standard messaging API of the messaging sever. Nor does Cunningham, alone or in combination with Erickson, teach or suggest these features of claim 1. Similar arguments apply in regard to independent claims 31, 59 and 80.

In regard to independent claim 44, the Examiner has failed to state a *prima facie* rejection of this claim. The Examiner states that this claim is analogous to claims 1-16 and 20-30 and is therefore rejected by the same rationale. However, claim 44 recites specific limitations not recited in claims 1-16 and 20-30. For example, claim 44 recites that each of a plurality of transport protocol packets includes sequence information for the particular messaging system message of a sequence of messages. Claim 44 also recites processing the sequence of messaging system messages on the second node, wherein said processing uses the sequence information for the plurality of messaging system messages in the plurality of transport protocol packets. These specific limitations are not recited in claims 1-16 and 20-30. Since the Examiner has not addressed the specific limitations of claim 44, the Examiner has failed to state a *prima facie* rejection for claim 44. Furthermore, Applications assert that Erickson and Cunningham do not teach or suggest these limitations. Cunningham does mention reordering messages, but Cunningham does not teach that each of a plurality of transport

protocol packets includes sequence information for the particular messaging system message of a sequence of messages. Furthermore, Cunningham does not teach processing the sequence of messaging system messages on a second node, wherein said processing uses the sequence information for the plurality of messaging system messages in the plurality of transport protocol packets. Nor does Erickson, either alone or in combination with Cunningham, teach or suggest these features as recited in claim 44.

Allowable Subject Matter:

Claims 17-19, 39, 50, 70-72 and 83 were objected to as being dependent upon a rejected base claim, but otherwise allowable if rewritten in independent form. In light of the above remarks, Applicant asserts that claims 17-19, 39, 50, 70-72 and 83 are allowable in their current form.

Allowed Claims:

Claims 52-58 are allowed.

CONCLUSION

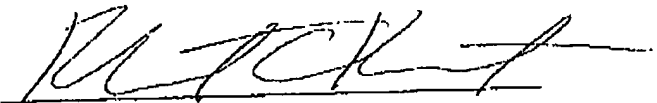
Applicant submits the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-91600/RCK.

Also enclosed herewith are the following items:

- ☐ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Fee Authorization Form authorizing a deposit account debit in the amount of \$
for fees ().
- ☐ Other:

Respectfully submitted,



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